

REMARKS

In the Office Action, claims 1-8 and 10-12 are rejected under 35 U.S.C. §112, first paragraph, and the specification was objected to. Claims 1, 2 and 10 are amended herein. Applicant believes the rejections have been overcome for at least the reasons below.

At the outset, Applicants wish to clear up the confusion regarding the Information Disclosure Statement ("IDS") that was submitted on January 7, 2005. Applicants mistakenly listed EP 07-170215 in the IDS due to a clerical error. The correct reference number is JP 7-710215, as suggested by the Examiner and as listed in the previously submitted European Search Report dated November 24, 2004. Moreover, as noted by the Examiner, the JP 7-710215 reference was submitted in the IDS submitted on June 9, 2003 and subsequently considered by the Patent Office on September 2, 2003.

The specification was objected to because of a minor clerical error on page 13, lines 18-20. In response, Applicants have amended the specification to correct the error. Accordingly, Applicants believe that the objection to the specification has been overcome and respectfully request withdrawal of same and further that no new matter had been added thereby.

In the Office Action claims 1-8 and 10-12 were rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Patent Office objected to the phrase "wherein said second electrode is attached to the audible sound generating means and configured to fit on or around at least one ear to direct the audible sound into the at least one ear of the single user." See, Office Action, page 3. In response, applicants have amended claims 1, 2 and 10 to recite, at least in part, an electrode attached to the audible sound generating means which received signals from the playback apparatus. Support for this amendment is found at pages 6-7 of the specification, as also indicated by the Examiner. See, Office Action, page 4. Applicants respectfully submit that amended claims 1, 2, 10 and claims 3-8, 11 and 12 that depend therefrom fully comply with 35 U.S.C. §112, first paragraph. Accordingly, Applicant request that the §112 rejections be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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